

**Permit Application and Approval
Correspondence Letters**

**CONDITIONAL USE PERMIT APPLICATION**

Department of Planning and Economic Development
Zoning Section
1400 City Hall Annex
25 West Fourth Street
Saint Paul, MN 55102-1634
(651) 266-6589

Zoning office use only
File # _____
Fee # _____
Permittee Hearing Date _____

APPLICANT

Name GREG SCHAFER
Address 301 ST. PAUL PARK RD
City ST. PAUL PARK St. MN zip 55071 Daytime Phone 651.458.2758
Name of Owner (if different) CANADIAN PACIFIC RAILWAY
Contact Person (if different) LEANN THOMAS Phone 612.904.6130

PROPERTY LOCATION

Address / Location PIG'S EYE LAKE RD, ST. PAUL, MN
Legal Description T28, R22, SWS3, SE54, ST. PAUL, RAMSEY CO, MN
Current Zoning I-2
(attach additional sheet if necessary)

TYPE OF PERMIT: Application is hereby made for a Conditional Use Permit under provisions of
Chapter 63, Section 606, Paragraph 1
63, Section 607, Paragraph 1 & 2 of the Zoning Code.

SUPPORTING INFORMATION: Explain how the use will meet all of the applicable standards and conditions. If you are requesting modification of any special conditions or standards for a conditional use, explain why the modification is needed and how it meets the requirements for modification of special conditions in Section 61.502 of the Zoning Code. Attach additional sheets if necessary.

See attached Wetland Replacement Plan

☒ Required site plan is attached

Applicant's Signature *Greg Schaffer* Date 10/31/08 City Agent _____



APPLICATION FOR SITE PLAN REVIEW

Department of Safety and Inspections (DSI)
375 Jackson Street, Suite 220
Saint Paul MN 55101-1806
651-266-9008

STAFF USE ONLY

SPR # _____

Fee \$ _____

Staff meeting date: _____

City agent _____

APPLICANT

Name Jim HOSCHKA Company TKDA
Address 444 CEDAR ST #1500
City ST PAUL State MN Zip 55101
Phone 651-292-4424 Fax 651-292-0083
Email jim.hoschka@tkda.com

OWNER (If different than applicant)

Name GREG SCHAFER Company MARATHON PETROLEUM COMPANY LLC
Address 301 ST. PAUL PARK RD, PO BOX 9, ST PAUL PARK MN 55071 Phone 651-458-2738

PROJECT

Project name / description ST. PAUL RAIL YARD - THE PROJECT CONSISTS OF THE
CONSTRUCTION OF A NEW RAIL YARD FOR RAIL CAR STORAGE FOR MARATHON
PETROLEUM COMPANY, LLC.
Project address / Location 1245 PIGS EYE LAKE ROAD
Legal description of the property : _____

Applicant's signature _____ Date _____

STAFF USE ONLY Type Site Plan Sub _____ Work _____ S.F. _____

Folder Name _____

Reviewed by _____

Comments:

(attach additional sheets if necessary)

Bond/letter of credit/escrow \$ _____ Date _____

Site plan approved by _____ Date _____

Work approved by _____ Date _____



APPLICATION FOR ZONING VARIANCE
Department of Safety and Inspections
375 Jackson Street
Suite 220
Saint Paul, MN 55101-1806
General: 651-266-9008
Fax: (651) 266-9099

Zoning office use only

File Number: _____
Fee: \$ _____
Tentative Hearing Date: _____
Section(s) _____
City agent _____

APPLICANT

Name Greg Schafer Company Marathon Petroleum Company, LLC
Address 459 Third St., P.O. Box 9
City St. Paul Park Park St. MN Zip 55071 Daytime Phone 715-781-0199
Property Interest of Applicant (owner, contract purchaser, etc) Owner
Name of Owner (if different) _____ Phone _____

**PROPERTY
INFORMATION**

Address / Location 1245 Pigs Eye Lake Road
Legal Description _____
(attach additional sheet if necessary)
Lot Size _____ Present Zoning _____ Present Use _____
Proposed Use Rail Yard

Variance[s] requested: Sections 68.402 Part 2, 68.402 Part 5E, and 68.402 Part 7.

Supporting Information: Supply the necessary information that is applicable to your variance request, provide details regarding the project, and explain why a variance is needed. Duplex/triplex conversions may require a pro forma to be submitted. Attach additional sheets if necessary. See attached.

Attachments as required:



Site Plan



Attachments



Pro Forma

Applicant's Signature

Greg Schafer

Date

11/23/09



Minnesota Department of Natural Resources

Division of Ecological Resources, Box 25

500 Lafayette Road

St. Paul, Minnesota 55155-4025

Phone: (651) 259-5109 Fax: (651) 296-1811 E-mail: lisa.joyal@dnr.state.mn.us

July 1, 2008

Ms. Kelly Garvey
HDR Engineering, Inc.
701 Xenia Avenue South, Suite 600
Minneapolis, MN 55416

Re: Request for Natural Heritage information in the vicinity of the proposed Marathon Petroleum LLC, Rail Yard Construction, T28N R22W Sections 3&4, Ramsey County
Correspondence # : ERDB 20080842

Dear Ms. Garvey,

As requested, the Minnesota Natural Heritage Information System has been queried to determine if any rare species or other significant natural features are known to occur within an approximate one-mile radius of the proposed project. Based on this query, several rare features have been documented within the search area (for details, please see the enclosed database reports). However, given the nature and location of the proposed project, I do not believe the project will negatively affect any known occurrences of rare features.

The Natural Heritage Information System (NHIS), a collection of databases that contains information about Minnesota's rare natural features, is maintained by the Division of Ecological Resources, Department of Natural Resources. The NHIS is continually updated as new information becomes available, and is the most complete source of data on Minnesota's rare or otherwise significant species, native plant communities, and other natural features. However, the NHIS is not an exhaustive inventory and thus does not represent all of the occurrences of rare features within the state. Therefore, ecologically significant features for which we have no records may exist within the project area.

The enclosed results include an Index Report and a Detailed Report of records in the Rare Features Database, the main database of the NHIS. To control the release of specific location information, which might result in the destruction of a rare feature, both reports are copyrighted.

The Index Report provides rare feature locations only to the nearest section, and may be reprinted, unaltered, in an environmental review document (e.g., EAW or EIS), municipal natural resource plan, or report compiled by your company for the project listed above. If you wish to reproduce the index report for any other purpose, please contact me to request written permission. **The Detailed Report may include specific location information, and is for your personal use only. If you wish to reprint or publish the detailed report for any purpose, please contact me to request written permission.**

Please be aware that this letter focuses only on potential effects to *rare natural features*; there may be other natural resource concerns associated with the proposed project. This letter does not constitute review or approval by the Department of Natural Resources as a whole. If you would like further information on the environmental review process, please contact your Regional Environmental Assessment Ecologist, Wayne Barstad, at (651) 259-5738.

An invoice in the amount of \$119.79 will be mailed to you under separate cover within two weeks of the date of this letter. You are being billed for the database search and printouts, and staff scientist review. Thank you for consulting us on this matter, and for your interest in preserving Minnesota's rare natural resources.

Sincerely,

A handwritten signature in black ink that reads "Lisa Joyal".

Lisa Joyal
Endangered Species Environmental Review Coordinator

Minnesota Department of Natural Resources

Central Region Waters - 1200 Warner Road, St. Paul, MN 55106-6793
Telephone: (651) 259-5845 Fax: (651) 772-7977



RECEIVED

November 13, 2008

NOV 17 2008

Ms. Karen Wold
Barr Engineering Company
4700 West 77th Street
Minneapolis MN, 55435-4803

BARR ENGINEERING CO

RE: Pig's Eye Dump Rail Yard Expansion Permit Application, City of St. Paul, Ramsey County

Dear Ms. Wold:

We have reviewed the materials you submitted and determined that (see the Xed item below):

- ☒ After physically inspecting the site during the pre-application meeting, there are no DNR wetlands affected and the project will not impact Battle Creek. Therefore, no DNR authorization is needed for the proposed rail expansion or wetland mitigation area if constructed in accordance with the submitted plans and description. Approvals or permits may be required from other federal and/or local government units.
- ☐ Your proposed project is located within a lake, wetland or stream subject to DNR Water Permit Jurisdiction, but no DNR permit is needed if the project is constructed in accordance with the submitted plans and/or description. Approvals or permits may be required from other federal and/or local government units.
- ☐ Your proposed project is located within a lake, wetland or stream subject to DNR Water Permit Jurisdiction, but your project is covered under a General Permit issued by the DNR (copy enclosed). Please read the permit conditions to ensure compliance with this Permit.
- ☐ The project you propose is within a DNR Public Waters Wetland(s), but DNR Water Permit jurisdiction has been waived to your Local Government Unit (LGU) responsible for implementation of the Wetland Conservation Act. You should contact (name of LGU contact, phone #) for Wetland Conservation Act compliance information.
- ☐ Other Comments:

Notice: The DNR may be involved in review of your project proposal through comments to other government agencies or the local unit of government.

Thank you for your cooperation. If you have any questions, please contact me at 651-259-5802.

Sincerely,

Molly Shodeen

Molly Shodeen
Area Hydrologist

c: Cliff Aichinger, Ramsey Washington Watershed District
Phil Belfiori, City of St. Paul
Tom Petersen, Ramsey SWCD
Tim Fell, U.S. Army Corps of Engineers
Wayne Barstad, Ecological Resources

www.dnr.state.mn.us

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REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
ST. PAUL DISTRICT, CORPS OF ENGINEERS
SIBLEY SQUARE AT MEARS PARK
190 FIFTH STREET EAST, SUITE 401
ST. PAUL MN 55101-1638

Operations
Regulatory (2008-01626-TJF)

December 9, 2008

Mr. Joe Berns
Barr Engineering Company
4700 West 77th Street
Minneapolis, Minnesota 55435

RECEIVED

DEC 11 2008

BARR ENGINEERING CO

Dear Mr. Berns:

Authority is hereby granted to the Marathon Petroleum Company to discharge dredged and fill material into a total of 0.79 acre of waters and wetlands – 0.12 acre of floodplain forest, 0.19 acre of fresh wet meadow, and 0.48 acre of shallow marsh – for the purpose of constructing a new rail yard. We understand that 0.06 acre of non-jurisdictional wetland in the form of a storm pond will also be filled with this project. The wetland impact areas are connected to Battle Creek, which is a tributary to the Mississippi River, a navigable water of the U.S. The project site is in Sections 3 and 4, T. 28 N., R. 22 W., Ramsey County, Minnesota.

The authorized work includes: access roads, modified site entrances, and the addition of approximately 3,000 feet of track length varying from one to eight tracks in width. The work is shown on the enclosed drawings labeled 2008-01626-TJF, Page 1 of 3 through Page 3 of 3, hereby incorporated as part of this Letter of Permission.

This action is based upon the recommendation of the Chief of Engineers and under the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344). The authorization is subject to the enclosed General and Standard Conditions and the following special condition:

1. Compensatory wetland mitigation for this project will be accomplished through the purchase of mitigation credits from Bank #1287 in Benton County, Minnesota. Approximately 0.24 acres of floodplain forest, 0.37 acres of fresh wet meadow, and 0.96 acres of shallow marsh wetland credits (total of 1.57 acres) will be debited from this bank. The permittee shall provide certification that the credits have been debited, within 60 days of the issuance date of this permit and prior to any authorized impacts to waters of the United States.

The time limit for completing this authorized work ends three years from the date of this letter.

If your project will require off-site fill material that is not obtained from a licensed commercial facility, you must notify us at least five working days before start of work. A cultural resources survey may be required if a licensed commercial facility is not used.

It is the permittee's responsibility to ensure that the work complies with the terms of this letter and any enclosures, AND THAT ALL REQUIRED STATE AND LOCAL PERMITS AND APPROVALS ARE OBTAINED BEFORE WORK PROCEEDS.

This letter contains an approved jurisdictional determination and an initial proffered permit for your proposed project. If you object to this determination or proffered permit, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination or proffered permit, you must submit a completed RFA form to the Mississippi Valley Division Office at the following address:

James B. Wiseman, Jr.
Administrative Appeals Review Officer
Mississippi Valley Division
P.O. Box 80 (1400 Walnut Street)
Vicksburg, MS 39181-0080
(601) 634-5820
(601) 634-5816 (fax)


In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 C.F.R. part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address within 60 days of the date of this letter.

It is not necessary to submit an RFA form to the division office if you do not object to the determination or proffered permit in this letter.

If you have any questions, contact Mr. Tim Fell in our Saint Paul office at (651) 290-5360. In any correspondence or inquiries, please refer to the Regulatory number shown above.

Sincerely,



 Jon L. Christensen
Colonel, Corps of Engineers
District Engineer

Enclosures

Cf: Tim Smith – Corps of Engineers
BWSR Bank Administrator



Minnesota Pollution Control Agency

520 Lafayette Road North | St. Paul, MN 55155-4194 | 651-296-6300 | 800-657-3864 | 651-282-5332 TTY | www.pca.state.mn.us

December 31, 2008

Mr. Greg Schafer, Project Manager
459 Third St PO Box 9
St. Paul Park, MN 55071

RE: Coverage Under NPDES/SDS General Stormwater Permit for Construction Activity
(MNR100001) for: Saint Paul Rail Yard - CSW (ID# C00026999)

Dear Mr. Greg Schafer:

Thank you for submitting your completed construction stormwater permit application for the above-referenced project. The Minnesota Pollution Control Agency (MPCA) is pleased to inform you that you have been granted coverage under the National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Stormwater Permit ("Permit") for Construction Activity. Permit coverage for this project started on January 6, 2009, seven (7) days after the postmarked date of your completed permit application form.

You are required to comply with the terms of the Permit to prevent erosion and control sediment from your site with the procedures established in your Stormwater Pollution Prevention Plan (SWPPP). You are also required to upgrade your SWPPP and erosion prevention and sediment control Best Management Practices (BMPs) as site and weather conditions dictate throughout the entire term of the project.

Enclosed, with the **contractor's copy** of this letter only, you will find a "Notice of Stormwater Permit Coverage" certificate for this construction project. Once all construction activity has been completed at this project, you must submit a "Notice of Termination" (NOT) form to the MPCA within 30 days of meeting the conditions outlined in Part II (C) of the permit. Please check the MPCA website (www.pca.state.mn.us/water/stormwater/stormwater-c.html) or call to request an NOT form and fact sheet.

Please save this letter for your records. If you have any questions about permit coverage for this project, please contact the Construction Stormwater Program at 651-757-2119 or toll free at 800-657-3804.

Sincerely,

Brian Livingston
Supervisor, Stormwater Policy & Technical Assistance Unit
St. Paul Office
Municipal Division

cc: Mr. Greg Schafer

Ramsey Washington County Watershed-Stormwater Permit

This permit has been reviewed and verbal approval has been given that is acceptable. However, part of this application is dependent on the approval of the wetlands mitigation permit under the City of St. Paul. Upon approval of the wetlands mitigation application, the County Watershed should be able to issue the stormwater permit.

Wetlands Mitigation Application

This application was resubmitted in late December of 2008 with revised proposed mitigation banking credit locations per discussions with the City of St. Paul. This application is pending with the City of St. Paul. The review/approval by the Department of Natural Resources and Army Corp of Engineers is included in this section.

Facility Fire Protection System

Several meetings were held with the City of St. Paul Fire Marshall to determine an agreeable fire protection design. A representative of the St. Paul Regional Water Services was also in attendance. A revised design was submitted to the City in early December 2008 following our last meeting. At this time, MPC has been informed the revision to the design is acceptable and that final approval would be part of the City of St. Paul's "site plan approval" process.

Minnesota Pollution Control Agency

An "Environmental Assessment Worksheet" application was submitted to the agency for review. The public comment period closed in late November and MPC has submitted responses to all the MPCA requested questions. MPC has verbally been told that the MPCA is in the final stages of drafting the "Findings of Fact/Negative Declaration" and routing for approval within their agency. MPC is in the hopes that this approval will be completed by the time of City Planning and Zoning staff review of this project.

City of St. Paul Public Works

MPC's project design firm has discussed the project with the City regarding the modification of the elevation of the Pig's Eye Road due to this project. The construction drawings have been updated per their initial review comments. MPC has not submitted a formal application for the "right of way" work and feels that would be best to wait till the project has been through the City of St. Paul's site plan approval process.